

October 2, 2024

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
By: RR
Deputy

UNITED STATES OF AMERICA

§

Case No: SA:24-CR-00490-XR

Plaintiff,

§

v.

§

LEO RZA MIRABAD

Defendant.

§

INDICTMENT

COUNT 1: 18 U.S.C. §933(a)(1)

Firearm Trafficking

COUNT 2: 18 U.S.C. § 922(j)

Possession of a Stolen Firearm

COUNT 3: 18 U.S.C. §922(n)

Possession of a Firearm

While Under Indictment

COUNT 4: 18 U.S.C. §922(o)

Possession of a Machine Gun

COUNT 5: 26 U.S.C. §5861(d)

Unregistered Machine Gun

THE GRAND JURY CHARGES:

COUNT ONE
(18 U.S.C. § 933(a)(1))

On or about September 10, 2024, in the Western District of Texas, Defendant,

LEO RZA MIRABAD

did ship, transport, transfer, cause to be transported, or otherwise dispose of a firearm, to wit: a Daniel Defense, model DDM4V7, 5.57 caliber rifle, serial number DDM4228422, to another person in or otherwise affecting commerce, knowing or having reasonable cause to believe that the use, carrying, or possession of the firearm by the recipient would constitute a felony, to wit: smuggling goods from the United States and possession of a stolen firearm, all in violation of Title 18, United States Code, Section 933(a)(1).

COUNT TWO
18 U.S.C. §922(j)

On or about September 10, 2024, in the Western District of Texas, the Defendant,

LEO RZA MIRABAD

knowingly possessed and sold a stolen firearm to wit: a Daniel Defense, model DDM4V7, 5.57 caliber rifle, serial number DDM4228422, which had been shipped and transported in interstate and foreign commerce, knowing and having reasonable cause to believe the firearm was stolen, in violation of Title 18, United States Code, Section 922(j).

COUNT THREE
(18 U.S.C. §922(n))

On or about September 10 through September 12, 2024, in the Western District of Texas, the Defendant,

LEO RZA MIRABAD

knowing he was under indictment, did knowingly possess at least one firearm, to wit: a Daniel Defense, model DDM4V7, 5.57 caliber rifle, serial number DDM4228422, a Smith & Wesson M&P Shield, 9mm pistol, serial number HKV5926, a Glock, model 30, .45 caliber pistol, serial number BYNU326, and a Glock, model 32, .357 caliber pistol, serial number GKG302 equipped with a Machine Conversion Device, said firearms having been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(n).

COUNT FOUR
(18 U.S.C. §922(o))

On or about September 12, 2024, in the Western District of Texas, the Defendant,

LEO RZA MIRABAD

did knowingly possess a machinegun, to wit: a Glock, model 32, .357 caliber pistol, serial number GKG302 equipped with a machinegun conversion device that made the pistol capable of firing automatically more than one shot without manual reloading by a single function of the trigger, in violation of Title 18, United States Code, Section 922(o).

COUNT FIVE
(26 U.S.C. §5861(d))

On or about September 12, 2024, in the Western District of Texas, the Defendant,

LEO RZA MIRABAD

knowingly possessed a firearm, to wit: a Glock, model 32, .357 caliber pistol, serial number GKG302 equipped with a machinegun conversion device, not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE
[See Fed. R. Crim. P. 32.2]

I.

Firearm Violation and Forfeiture Statutes

[Title 18 U.S.C. § 933(a)(1), subject to forfeiture pursuant to Title 18 U.S.C. § 934(a)(1)(A) and (B)]

As a result of the criminal violation set forth in Count One, the United States of America gives notice to the Defendant of its intent to seek the forfeiture of the property described below upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 934(a)(1)(A) and (B), which state:

Title 18 U.S.C. § 934. Forfeiture and Fines.

(a) Forfeiture. --

(1) In general. -- Any person convicted of a violation of section 932 or 933 shall forfeit to the United States, irrespective of any provision of State law--

(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation . . .

II.

Firearm Violations and Forfeiture Statutes

[Title 18 U.S.C. §§ 922(j), (o), (u), and 933(a)(1), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)]

As a result of the criminal violations set forth in Counts One through Four, the United

States of America gives notice to the Defendant of its intent to seek the forfeiture of the property described below upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c), which states:

Title 18 U.S.C. § 924. Penalties

(d)(l) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (j)...(o)...(u) . . . of section 922 . . . or 933 . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter. . . .

III.

Unregistered Possession Violation and Forfeiture Statutes

[Title 26 U.S.C. § 5861(d), subject to forfeiture pursuant to Title 26 U.S.C. § 5872, made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)]

As a result of the criminal violation set forth in Count Five, the United States of America gives notice to the Defendant of its intent to seek the forfeiture of the property described below upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 26 U.S.C. § 5872, made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c), which states:

Title 26 U.S.C. § 5872. Forfeitures

(a) Laws applicable- Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture. . . .

This Notice of Demand for Forfeiture includes but is not limited to the following:

1. Smith & Wesson M&P Shield, 9mm pistol, serial number HKV5926;
2. Glock, model 30, .45 caliber pistol, serial number BYNU326;
3. Glock, model 32, .357 caliber pistol, serial number GKG302 equipped with a Machine Conversion Device; and
4. Any and all firearms, ammunition, and/or accessories involved in or used in the commission of the criminal offenses.

A TRUE BILL.

FOREPERSON OF THE GRAND JURY

JAIME ESPARZA
UNITED STATES ATTORNEY

BY:



For Sarah Wannarka
Assistant United States Attorney